

REMARKS/ARGUMENTS

The Office Action mailed June 7, 2006 has been reviewed and carefully considered. Claims 1-26 are pending in this application, with claims 1 and 19 being the only independent claims. Reconsideration of the above-identified application, in view of the following remarks, is respectfully requested.

Claim Amendments

Independent claim 19 is amended to recite “a user terminal operable for communicating with the telecommunication network, for allowing a user to selectively change a user terminal operating mode from a first operating mode to a second operating mode of the user terminal, and for transmitting to the telecommunication server through the telecommunication network, information indicating the selective change in the user terminal operating mode from the first operating mode to the second operating mode”. Support for this amendment is found at paragraph 0045 of the specification.

Independent claim 19 is also amended to recite that the telecommunication server is configured “for dynamically maintaining current operating mode data of the user terminal, for storing the transmitted information indicating the selective change in the user terminal operating mode from the first operating mode to the second operating mode, and for making available the current operating mode of the user terminal for enquiries by other users, such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”. Support for this limitation is found at paragraph 0040 and Figs. 1 and 5 of the specification.

Claim 26 is added to recite “wherein the user terminal operating mode indicates a state of reachability of the terminal”. Support for this limitation is found at paragraph 0041, lines 4-6 of the specification.

Allowable Subject Matter

Claims 1-18 are allowed.

Rejection of Claims 19-25

Claims 19-25 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 7,027,801 (Hall).

Independent claim 19 now recites that the telecommunication server is configured “for dynamically maintaining current operating mode data of the user terminal, for storing the transmitted information indicating the selective change in the user terminal operating mode from the first operating mode to the second operating mode, and for making available the current operating mode of the user terminal for enquiries by other users, such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”.

Hall fails to disclose, teach or suggest the above limitations because the customer profile disclosed by Hall is not made available for enquiries by other users, “such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”.

Hall discloses a method for delivery location-based targeted advertisements to mobile subscribers. According to Hall, an information server 104 connected to the Internet 108 includes customer profiles for a plurality of customers (col. 5, lines 23-26). Similarly, the information server 104 includes vendor profile and vendor inventory information (col. 5, lines

28-30). When a specified event occurs, the information server 104 generates push data and sends the push data to a mobile terminal 132 (col. 5, lines 33-37). The push information may be generated based on location of the mobile terminal 132 or customer profile of the user of the mobile terminal 132 (col. 5, lines 38-43). Hall further discloses that a user may switch “modes of operation” by selecting whether to receive solicited and/or unsolicited advertisements using a graphical user interface (GUI) (col. 6, lines 44-57).

Since Hall discloses that the information server itself generates the push data from the database, Hall fails to disclose that the telecommunication server is configured “for making available the current operating mode of the user terminal for enquiries by other users, such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”.

The mode of operation in Hall may also be used to indicate whether advertisements are be delivered only to the mobile phone or whether they are sent to both the mobile phone and a work station of the user (see col. 11, lines 9-23 of Hall). Thus the operating mode disclosed by Hall is not an actual operating mode “of the terminal”. However, even if the operating mode disclosed by Hall is considered to read on the operating mode of the terminal as recited in claim 19, there is no disclosure teaching or suggestion in Hall that the operating mode is made available “for enquiries by other users, such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”, as expressly recited in independent claim 19.

The Examiner refers in his rejection to four separate sections of Hall, e.g., col. 5, lines 24-51; col. 6, lines 44-57; col. 8, lines 21-43; and col. 12, lines 5-24, as allegedly disclosing the claim limitation that a telecommunication server is configured “for making available the

current operating mode of the user terminal for enquiries by other users, such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”. None of those sections supports the rejection.

- The first cited section, at col. 5, lines 24-51, of Hall indicates that the information server 104 generates advertisements to be sent to the mobile terminal from a database (see especially, col. 5, lines 43-47). There is however no indication in Hall that a mode of operation (or any other information about the mobile terminal) is made available “for enquiries by other users, such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”, as recited in independent claim 19.

- The second cited section, at col. 6, lines 44-57, of Hall describes selection by the user from a graphical user interface of whether the user wishes to receive solicited and/or unsolicited offers. This section of Hall is likewise devoid of any indication that an operating mode selected by the user is made available “for enquiries by other users, such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”, as recited in independent claim 19.

- The third cited section, at col. 8, lines 21-43, of Hall indicates that the mode of operation is stored on a customer profile in a database 320. There is however, no indication that the information stored in the customer profile is made available “for enquiries by other users, such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”, as recited in independent claim 19.

- Finally, the fourth cited section of Hall, at col. 12, lines 5-24, describes an embodiment in which a customer profile is examined by the information server to determine

what modes and services have been selected by the customer (col. 12, lines 5-9). After this examination, the information server sends the customer profile to specific vendor servers that are to push data to the mobile terminal (col. 12, lines 9-13). These selected vendors provide the data to be pushed to the information server for delivery to the mobile terminal (col. 12, lines 20-24). Although the information server disclosed by Hall provides selected customer profile information to the selected vendors, the customer profile is not made available “for enquiries by other users, such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”, as recited in independent claim 19. Rather, the information server provides the customer profile only to selected vendors which are to provide advertisements and other information to the information server for delivery to the mobile terminal. Since the customer profile is sent to the vendors by the information server without solicitation by the vendors, this section of Hall also fails to teach or suggest that the customer profile is made available “for enquiries by other users, such that the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”, as recited in independent claim 19. Thus, no “enquires by other users” is suggested by Hall.

In view of the above amendments and remarks, independent claim 19 is not anticipated by Hall and the rejection of independent claim 19 under 35 U.S.C. §102 should now be withdrawn.

Furthermore, since Hall discloses that the information server provides the customer profile only to selected vendors that are to provide advertisements, the other vendors do not need the customer profile information and, thus, there is no motivation “for making available the current operating mode of the user terminal for enquiries by other users, such that

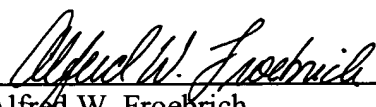
the current operating mode data of the user terminal is available to a calling party prior to attempting a connection to the user terminal”, as expressly recited in independent claim 19. Accordingly, independent claim 19 is also not obvious in view of Hall under 35 U.S.C. §103.

Dependent claims 20-25, each being dependent on independent claim 19, should be considered allowable for at least the same reasons as is independent claim 19, as well as for the additional recitations contained therein.

Dependent claim 26 further recites “wherein the user terminal operating mode indicates a state of reachability of the terminal”. Since the operating mode of Hall relates to whether a user wishes to receive solicited and/or unsolicited advertisements, Hall fails to teach or suggest this limitation. Accordingly, dependent claim 26 is allowable for at least this additional reason.

The application is now deemed to be in condition for allowance, and early notice to that effect is once more solicited.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE LLP

By 
Alfred W. Froeblich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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